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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,890	12/02/2005	Kazumasa Ohsono	PHCF-04045US	6119
21254 7590 04/23/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER DOAN, JENNIFER	
			ART UNIT 2874	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/558,890

Applicant(s)

OHSONO ET AL.

Examiner

Jennifer Doan

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2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-13, 20, 21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 14-19 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment, filed on January 31, 2007, has been considered and entered.

Claims 6-13 are amended.

Claims 14-25 are newly added.

Claims 6-25 are now pending.

The previous ground of rejection is now changed in this Office Action in response to the amendment of the claims. Since the new ground of rejection is necessitated by the amendment, this office action is made final.

Specification

1. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6-11, 20, 21 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nobuyuki (JP 2000-101701).

With respect to claims 6 and 20, Nobuyuki (figures 1 and 5) discloses an optical fiber coiled cord, comprising an optical fiber cord (4) spirally bent for having a coil shape for being longitudinally stretchable (see figure 1); and a stretch length control member for limiting a longitudinal elongation of the optical fiber cord (4) (see the abstract).

With respect to claim 7, Nobuyuki (figure 1) discloses the optical fiber coiled cord further comprising optical fiber connectors respectively attached to two ends of the optical fiber coiled cord (4) to connect the stretch length control member to both the connectors so that the distance between both the connectors is not more than a constant distance (see the abstract).

With respect to claims 8 and 9, Nobuyuki (figure 1) discloses the optical fiber coiled cord, wherein the stretch length control member comprises an elastic member (5); and a length-regulating member for being elongated in response to a stretching of the elastic member while regulating an elongation of the elastic member to a specified length (see the abstract).

With respect to claims 10, 11 and 23, Nobuyuki (figures 1-4) discloses the optical fiber coiled cord, wherein the stretch length control member (4) is inserted through inside the spiral coiled cord (see figure 1).

With respect to claim 21, Nobuyuki (figure 1) discloses the transmission line, further comprising an optical fiber connector formed on an end of said optical fiber cord and connected to the stretch length control member (see figure 1).

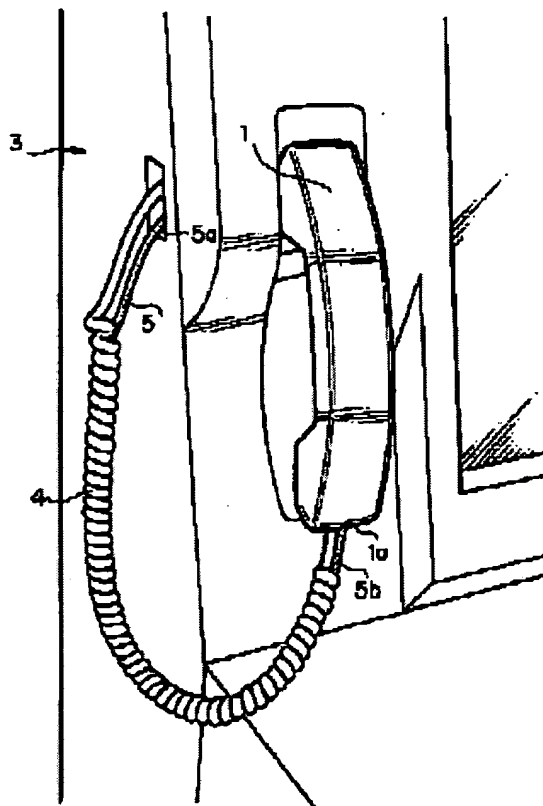
With respect to claim 24, Nobuyuki (figure 1) discloses the transmission line, wherein a length of said stretch length control member is greater than a length of said

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optical fiber cord in a steady state, and wherein a length of said optical fiber cord in an elongated state is not greater than a maximum elongated length of said stretch length control member (see the abstract and figure 1).

With respect to claim 25, Nobuyuki (figure 1) discloses an elongation length control device, comprising an elongation length control member for controlling an elongation, length of a coiled optical fiber cord (4); and optical fiber connectors formed on ends of the coiled optical fiber cord (4) and connected to the elongation length control member (see figure 1).

【図 1】



Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobuyuki (as cited above) in view of Gorni et al. (U.S. 6,816,659).

With respect to claims 12 and 13, Nobuyuki substantially discloses all the limitations of the claimed invention except the optical fiber cord comprises a built-in-Holey optical fiber having a plurality of air holes around a core.

However, Gorni et al. (figure 1) disclose the optical fiber cord including a built-in-Holey optical fiber (12) having a plurality of air holes around a core (13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Nobuyuki with a built-in-Holey optical fiber having a plurality of air holes around a core (accordance with the teaching of Gorni et al.) for the purpose of obtaining higher efficiency of optical signal transmission.

Allowable Subject Matter

7. Claims 14-19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose or reasonably suggest the optical fiber coiled cord, wherein the stretch length control member comprises a ball chain as recited in claim 14; wherein the length regulating member comprises a ball chain as recited in claims 16 and 18 and further comprising another optical fiber connector formed on another end of the optical fiber cord, and connected to the stretch length control member, wherein in a state where said stretch length control member is elongated to a maximum elongation length, a tensile force acting on the optical fiber cord is absorbed by said stretch length control member and said optical fiber connectors as recited in claim 22.

Response to Arguments

8. Applicant's arguments with respect to claims 6-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00 am to 3:30 pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JENNIFER DOAN
PRIMARY EXAMINER